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MILLEN WHITE ZELANO AND BRANIGAN  
ARLINGTON COURTHOUSE PLAZA I  
SUITE 1400  
2200 CLARENDON BOULEVARD  
ARLINGTON, VIRGINIA 22201

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**OFFICE OF PETITIONS  
AND PATENTS**

In re Application of  
Gary D. Hodgen et al  
Application No. 08/462,703  
Filed: June 5, 1995  
Attorney Docket No. SCH1309-C1

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: ON PETITION  
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This is a decision on the petition under 37 CFR 1.137(b), filed May 8, 1996, to revive the above-identified application.

The petition is granted.

This application became abandoned for failure to timely respond to the nonfinal Office action mailed September 12, 1995, which set a three month shortened statutory period for filing a response. A one month extension of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is January 13, 1996. Therefore, since this petition was filed within one year of the date of abandonment, the petition complies with the one year filing period requirement in 37 CFR 1.137(b).

Petitioner's "Submission Under 37 CFR 1.129" will not be entertained since the subject application is not under final. Therefore, the filing of a request under 37 CFR 1.129 is improper. The \$750 fee submitted will be credited to petitioner's Deposit Account No. 13-3402 as authorized.

This application is being forwarded to Group 1200.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.

*Frances Hicks*  
Frances Hicks

Petitions Examiner  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects